

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

KELLY ELIZABETH MUNNINGS

CRIMINAL DIVISION

Criminal No. 04-02 ERJE

OBJECTIONS TO  
PRESENTENCE  
INVESTIGATION REPORT

Filed on behalf of Defendant,  
Kelly Elizabeth Munnings

Counsel of Record for this Party:

Stephen M. Misko, Esquire  
PA I.D. NO. 59999

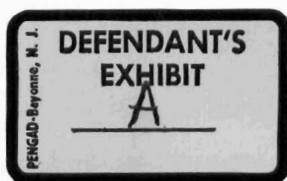
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WEST. DIST. OF PENNSYLVANIA



DEFENDANT'S  
EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL DIVISION</b>
	:	
	:	
<b>v.</b>	:	<b>Criminal No. 04-02 ERIE</b>
	:	
	:	
<b>KELLY ELIZABETH MUNNINGS</b>	:	

**OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT**

AND NOW, comes the Defendant, Kelly Elizabeth Munnings, by and through her attorney, Stephen M. Misko, Esquire, and respectfully files the following Objections to the Presentence Investigation Report, in accordance with the United States Sentencing Guideline (U.S.S.G.) Manual, 6A1.2:

**PART A. THE OFFENSE**

**Offense Level Computations**

**31. Specific Offense Characteristic:**

The Defendant objects to a 2-level increase for possession of a dangerous weapon. U.S.S.G. § 2D1.1(b)(1) provides for the increase if a dangerous weapon was possessed. Although a search of the residence at 18329 State Highway 18, Conneautville, PA revealed 5 shotguns, 1 rifle and 2 handguns in the living room, a handgun in the second floor loft, and numerous shotguns, rifles and handguns from a gun cabinet in a rear room of the residence, the Defendant Munnings personally possessed no firearms when she was arrested in the attic. In addition, investigators previously concluded that co-defendant Daniel Hines had purchased shotguns, rifles and handguns. Lastly, there is no evidence that the firearms found at the residence were in any way connected with the instant offense.

**39. Total Offense Level:**

Based upon the foregoing, the Defendant believes and therefore avers that a 2-level increase for possession of a dangerous weapon is not warranted in this case and, as such, the base offense level should remain at 32. A 3-level reduction for Acceptance of Responsibility is appropriate herein, therefore the total offense level should be calculated as 29.

**PART D. SENTENCING OPTIONS**

**Custody**


**82. Guideline Provisions:**

The Defendant objects to the conclusion that the guideline range for imprisonment in this case is 135 – 168 months, based upon a total offense level of 31. The Defendant believes and therefore avers that the total offense level is 29 and, as such, the appropriate guideline range is 108 – 135 months.

**83. Impact of Plea Agreement:**

In addition to the stipulation that 149.7 grams of methamphetamine (actual) is attributable to the Defendant in this case, the parties also agreed that the 10 year mandatory minimum sentence, pursuant to 18 U.S.C. § 846 and 841 (b)(1)(A)(viii), was the appropriate amount of incarceration for the Defendant, given the circumstances of this case.

Respectfully submitted,

  
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Stephen M. Misko, Esquire  
Attorney for Kelly E. Munnings

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL DIVISION  
: Criminal No. 04-02 ERIE  
v. :  
:  
:  
KELLY ELIZABETH MUNNINGS :

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **Objections to Presentence Investigation Report** was served by Personal Service, on the following parties, on this the 29th day of October, 2004:

The Honorable Sean J. McLaughlin  
Judges Chambers, Courtroom C  
17 South Park Row, Second Floor  
Erie, Pennsylvania 16501

Marshal Piccinini, Esquire  
United States Attorney's Office  
17 South Park Row, Room A330  
Erie, Pennsylvania 16501

Stephen A. Lowers  
United States Probation Officer  
17 South Park Row, Room A110  
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Stephen M. Misko, Esquire  
Attorney for Kelly E. Munnings